

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>BRIAN BEDIGREW</b>	)	
Claimant	)	
VS.	)	
	)	Docket No. 242,445
<b>LAKE PERRY YACHT &amp; MARINA, INC.</b>	)	
Respondent	)	
AND	)	
	)	
<b>FIREMAN'S FUND INSURANCE COMPANY</b>	)	
Insurance Carrier	)	

**ORDER**

Respondent appealed the May 10, 1999, preliminary hearing Order for Compensation entered by Administrative Law Judge Bryce D. Benedict.

**ISSUES**

The Administrative Law Judge found claimant suffered a low-back injury at work on March 1, 1999. The respondent was ordered to pay for medical treatment through neurosurgeon Craig H. Yorke, M.D., of Topeka, Kansas. At the time of the preliminary hearing, May 5, 1999, Dr. Yorke had operated on claimant in order to repair a herniated disc at L3-4. Dr. Yorke had released claimant to work on a half-time basis commencing May 3, 1999, and on a full-time basis commencing May 12, 1999.

Respondent contends claimant failed to demonstrate that the activity he was performing while employed by the respondent on March 1, 1999, could have caused his low-back injury. Additionally, respondent argues claimant's back injury and current need for medical treatment occurred in an intervening accident at a Topeka hospital while claimant was playing with his son.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the preliminary hearing record and considering the briefs of parties, the Appeals Board finds as follows:

The Appeals Board finds the Administrative Law Judge's preliminary hearing Order should be affirmed.

Specifically, this finding is supported by claimant's testimony that he suffered severe debilitating pain in his low back after he was strenuously pulling on a rope and then bent over to pick up a coil of rope on March 1, 1999, while working for the respondent. Claimant offered and medical records were admitted at the preliminary hearing from Lawrence Memorial Hospital that prove claimant was treated for a low-back injury at the hospital's emergency room on March 1, 1999, and was seen by David J. Greco, M.D., for follow-up treatment of his low back on March 3, 1999. Additionally, a letter dated March 31, 1999, was admitted into evidence from claimant's treating physician, Craig H. Yorke, M.D. Although Dr. Yorke acknowledged that claimant aggravated his back while interacting with his young son, the doctor believed that the claimant ruptured his L3-4 disc on the left side while working for the respondent in early March of 1999.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that Administrative Law Judge Bryce D. Benedict's May 10, 1999, preliminary Order for Compensation should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 1999.

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BOARD MEMBER

c: Leonard L. Buddenbohm, Atchison, KS  
Dennis L. Horner, Kansas City, KS  
Steven J. Quinn, Kansas City, MO  
Bryce D. Benedict, Administrative Law Judge  
Philip S. Harness, Director